

### **REMARKS**

The Office Action dated November 14, 2002 has been received, its contents carefully noted, and the applied citations thoroughly studied. Accordingly, the foregoing revisions to the claims are tendered with the conviction that patentable contrast has now been made manifest over the known prior art, and certain typographical inexactitudes have been rectified to provide better form. Accordingly, all rejections tendered by the Examiner in the above-referenced Office Action are hereby respectfully traversed and reconsideration is respectfully requested.

It is believed that the foregoing revisions to the claims are within the metes and bounds of the recently articulated Supreme Court *Festo* case, in that all equivalents susceptible to capture have been retained in that one skilled in the art, at the time of this amendment, could not have reasonably be expected to have drafted a claim that would have literally encompassed any other equivalent.

Claims 1, 4, 8, and 9 have been amended to conform to the Examiner's perception with respect to the patentability of claim 2. Additionally, two new claims are before the Examiner which conform to the Examiner's perception with respect to the patentability of claim 2.

Undersigned has reviewed the citations uncovered by the Examiner and does not agree as to their applicability; however, the record will not be burdened in that those citations are irrelevant under any analysis in view of the foregoing.

In view of the foregoing, it is respectfully requested that the Examiner pass this case to issue. If, upon further consideration, the Examiner believes further issues remain outstanding or new ones have been generated, undersigned respectfully requests that the Examiner call undersigned to expeditiously resolve same.

Dated: May 13, 2003

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'B. Kreten', is written over a horizontal line.

BERNHARD KRETEN  
Applicant's Attorney  
Telephone (916) 930-9700  
Registration No.: 27,037